

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN REGIONAL COUNCIL
OF CARPENTERS,

Plaintiff,

Case No. 13-cv-14566
Hon. Matthew F. Leitman

v.

GLENN SMITH et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S EX PARTE MOTION FOR A
TEMPORARY RESTRAINING ORDER AGAINST
DEFENDANT GLENN SMITH (ECF #26)**

On September 22, 2014, Plaintiff Michigan Regional Council of Carpenters (“Plaintiff”) filed the instant “Ex-Parte Emergency Motion for a Temporary Restraining Order Against Defendant Glenn Smith.” (*See* ECF #26.) In this motion, Plaintiff alleges that it received a “telephone message” from an unidentified “family member” of Defendant Glenn Smith (“Smith”) warning that “Smith may attempt to cross the United States border to Mexico” in order to “avoid[] both the possible civil and criminal ramifications and/or penalties associated with his embezzlement of Plaintiff’s monies.” (*Id.* at 2, Pg. ID 156.) Plaintiff requests an Order from this Court prohibiting Smith from “[l]eaving the

State of Michigan without obtaining the permission and/or authorization from both this Honorable Court and the Department of Labor.” (*Id.* at 3, Pg. ID 157.)

Plaintiff is has not demonstrated an entitlement to the relief it seeks. Plaintiff’s single-page motion and four-paragraph supporting brief contain no evidence – aside from a hearsay statement from an unidentified person that Smith “*may attempt*” to flee the jurisdiction –supporting its requested relief. In addition, Plaintiff has neither made a showing of irreparable harm nor shown that it is likely to succeed on the merits of its claim, both significant factors the Court must consider when reviewing any request for preliminary relief. *See, e.g., Overstreet v. Lexington-Fayette Urban County Government*, 305 F.3d 566, 573 (6th Cir. 2002) (listing factors). Finally, Plaintiff’s motion and supporting brief do not include any citations to any authority supporting the proposition that it would be appropriate for this Court, in a civil action, to restrain a defendant from leaving the jurisdiction.

Therefore, having reviewed Plaintiff's Motion, for all of the reasons stated above, **IT IS HEREBY ORDERED** that Plaintiff's request preliminary and *ex parte* relief is **DENIED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 24, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 24, 2014, by electronic means and/or ordinary mail.

s/Lisa Wagner

Case Manager
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